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The State of the Case depending between some of  
the Inhabitants of *Thames Street* and *Josiah Child*,  
touching *Lion-Key*, viz.

[1668?]



He said Persons in the Name of the City  
of *London*, (but for their own private  
advantage onely) have Indicted the De-  
fendant for stopping up the Stairs at *Li-  
on-Key* aforesaid, and a passage former-  
ly leading down to them, and for plank-  
ing over eight foot into the River of  
*Thames*, and for erecting a Crane upon  
the said Key, which they say are pub-  
lick Nuisances.

The Defendant pleads the general Is-  
sue; and for proof saith, That the City  
of *London*, nor any other person, hath  
any thing to do with the said Key, but the same is his proper Inheritance  
in Fee-simple, which he can make appear by Legal Conveyances ever since  
the Reign of King *Henry* the Eighth: An Abstract of the Title whereof,  
is hereunto annexed.

This the Prosecutors deny not; but they say, That *Lion-Key* hath al-  
waies been a noted and common place for landing and taking water.

To this the Defendant Replies, and will prove by hundreds of Witnes-  
ses, That Wharfige was always paid for every thing shipped or landed at  
*Lion-Key*, though it were but a small Basket that a man carried in his  
hand, and as much Wharfige as was ever paid at any private Key or Stairs  
in *London*.

2. That the Passage leading down to *Lion-Key*, was always locked up  
at nights, and upon Sundays and Holydays, and as often as any P R I-  
V A T E KEY, or Wharf, or Stairs, between the *Tower of London*,  
and *London-Bridge*, was locked; and that before the New Gates were  
erected, which was about fourteen years past, there were other Anti-  
ent Gates to the said Key and Passage, which by computation were above  
one hundred years standing.

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And if the locking up the Passage at such times, and the constant taking of Wharfige do not demonstrate the Reservation of the Propriety and the Incommunity of the said Passage and Stairs, then there is no private or proper Key, or Wharf, or Stairs between the *Tower* and *London-Bridge*: For that it was never known in the memory of any man living, that ever any Wharfinger hindred any Person from Landing or Taking water at his Key or Wharf, it being the common courtesie of every Wharfinger in *London*, to suffer all Persons that will, to Land or Take water at their Wharfs *gratis*, and so they may yet do at *Lion-Key* when they please, though the Defendant hath his liberty whether to make Stairs or not upon his own ground, and where to make them: But all Wharfingers of private Keys receive from all persons Wharfige for what Goods they Ship or Land at their Keys. And if this shall be construed to prejudice the propriety of the Owners, the consequence is, that the *City* may with as much Justice challenge for common Passages all the Wharfs in *London*; even those themselves have let Leases of, to the value of some thousand pounds *per annum*, and Indict the Proprietors for altering or lessening their own Stairs or Crains for their own conveniencies: And also all the ways through *Vintner's Houses*, who for the benefit of their Trades do make Passages through their *Taverns*; such as is now Mr. *Wadlows*, at the *Sun* in *Bishops-gate-street*, and Mr. *Sawyers* at the *Popes-Head* in *St. Elicms*, and such as was formerly Mr. *Browns* at the *White-Horse*, in *Lincolns street*, and many more before as well as since the Fire, which, notwithstanding were nor, nor ever could be, pretended *COMMON PASSAGES*, because they were locked up at nights by the Owners, being private Persons: Which the *Kings High-ways* are nor. Nor is the *Custom* about *Waies* in all respects the same in *London* as it is in the Country:

3. All the *COMMON-STAIRS* are upon the *Cities* own ground; as Owners of the Soil, and not only so, but they are, and ever were, erected and repaired at the *Cities charge*; whereas these were always erected and repaired at the charge of the Proprietor or Lessee; and for their own proper use and benefit.

4. The Defendant hath a large *Record* to produce out of one of the Courts of Equity, at *Westminster*, in the eighth Year of *King James*, wherein a Suit was Comenced by Information of Sir *John Brograve* Knight, the *Kings Attorney General*: *Edward Jeffery* being Relator to the said Sir *John*, wherein the *City* was put upon it, to bring in their Claims and Proofs, what *COMMON* and *OPEN PASSAGES*, or *Stairs*, the *Free-men* of *London* had a Right to make use of between the *Tower* of

of *London*, and the *Temple*. And to this *Interrogatory*, divers witnesses then of great age, some above fourscore years, were sworn and examined on behalf of the *Citizens*. All or most of whom in their *Depositions*, do in the Enumeration of the said *FREE PASSAGES* and *Stairs*, begin with *Tower Dock*, and so proceed West-ward as far as *Little Sumers-Key*, and then skip to the other side of *London-Bridge* to *Church-yard Alley Stairs*; and not any one of the witnesses do so much as mention *Lion-Key* or *Stairs*, (which never had any other name) though they omit not any other *Stairs* or *Place* between the *Tower* and the *Temple-Stairs*, that the *City* or *Free-men* of *London* ever did, or now do pretend to, except *Lion-Key* only, which the *Prosecutors* by crowding their private *Interests* under the *Honourable* name of the *City*, it seems would now screw from the *Defendant* by right or wrong.

5. There are several other *Records* exemplified now in the possession of private *Citizens* of *London*, which do recite all the *COMMON STAIRS*, and *Passages* which the *Citizens* and *Free-men* of *London* have anciently claimed a right unto, and not one of them doth so much as mention *Lion-Key*, or *Stairs*.

6. The *City* of *London*, who in all ages, hath been deservedly *Famous* for keeping exact *Registers* and *Records* of their *Concerns* in all respects, have no memory or account whatsoever to produce, to shew that they ever had or did pretend to any right of *Passage*, or *Stairs*, at *Lion-Key*, although they have of all others which they pretend to, and certainly would have had of this, had they had any right at all thereunto.

7. The *Defendants* *Deeds* of *Purchase*, and those by which it was formerly bought and sold, do all mention *Wharfe* to be sold and conveyed with *Lion-Key*.

The second *Indictment* is; for planking over the *River* of *Thames* eight foot, and erecting a *Crain* thereupon.

The *Defendant* pleads the general *Issue*, and for evidence is ready to prove by divers credible *Witnesses*,

1. That in the manner it is done, it's no prejudice to the *River* being upon upright *Posts*, so that the water hath always a free course under the said planking.

2. That he hath not gone beyond the antient bounds of his former *Wharfe* or *Campshiot*, but several *posts* of his antient bounds of the former *Campshiot*, or under *Wharf*, are yet standing, and were never removed, which are now the outermost *posts* or *stakes* of the said work into the *River*.

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3. That



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3. That moreover he had the consent of the late *Lord Mayor* for what he did, who was *pro illud Vice*, under his *Majesty*, *Conservator* of the River of *Thames*.

4. That for further certainty the Defendant petitioned the *Kings most Excellent Majesty* for his permission, who was pleased to Refer the consideration of the Defendants Petition to three of his *Majesties own Surveyors*, and the two *City-Surveyors*, or any three of them, who were the proper Officers by *Act of Parliament*, for Regulating and Staking out all Buildings within *London*: Which said Surveyors made the following Certificate to his *Majesty*, upon sight of which Certificate, the said late *Lord Mayor* consented to the Defendants going forward with his Work, though he had before forbidden him.

To the *KINGS most Excellent Majesty*.

May it please Your Majesty :

**I**N Obedience to Your *Majesties Command*, (*intimated unto us by Sir William Morris, upon Josiah Child's Petition*) we have viewed the *Petitioners Keys*, and do humbly certify Your *Majesty* that we are of Opinion that the said *Petitioners Request* for carrying out of *Lion-Key with Plank*, in the manner it is already done at *Fish-Wharf*, is very reasonable, and will, as is alleadged in the *Petition*, make the said *Keys* range even to the River of *Thames*, and the Houses behind them; which we humbly conceive will be most uniform and decent.

Christopher Wren, Peter Mills,  
Rob. Hooke.

By what hath been alleadged on the Defendants part, and will be fully proved by very many Witnesses of great Age and Quality, as well eminent Citizens of *London*, as others, it appears the Defendant hath not onely done what Lawfully he might have done upon his own Inheritance, but hath proceeded with Caution, and all due Respect and Humility towards the Honourable City of *London*.

But that which is further manifest is, That what the Defendant hath done, he could not omit to do, without the apparent breach of an *Act of Parliament*, and the express Command of His *Majesty* Inrolled in the *Exchequer*.

For by *Act of Parliament* made in the *Fourteenth Year* of His *Majesties*



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*His Majesty's* Reign; among other things, it is Enacted, That the Kings Majesty may by Commission under His Majesty's Seal of the Exchequer appoint such Persons as His Majesty shall think fit, for the Assigning and Appointing of all such and so many Open places to be Keys and Wharfs, as shall be meet for the Shipping and Landing of Goods; and settling all those Places by sufficient Meets, Limits, and Bounds. Which Commission, grounded on the aforesaid Act of Parliament, His Majesty did issue forth unto several Noble Men, Officers of the Customs, Gentlemen, Citizens, and Merchants, bearing date the 29<sup>th</sup> of March last past, and the said Commissioners did perfect the Return and Certificate of their proceedings on the 24<sup>th</sup> of May last, which said Certificate upon the 30<sup>th</sup> of August last, was commanded by his Majesty to be Enrolled in the Roll of Remembrances of the Nineteenth Year of His Majesty's Reign, to the intent that the same might remain as a Law binding upon all persons concerned. And in the said Return and Certificate, the said Commissioners do declare in the fifth page of the Printed Copy thereof, That *Lion-Key* containing from East to West thirty six foot nine inches, and from the River of Thames Northward forty foot, be a FREE KEY for the Landing of Merchants Goods, but no Stairs as formerly to be erected thereupon or thereunto. And in the eighth page of the said printed Copy, That *Lion-Key* being in length as aforesaid, be enlarged into the Thames eight foot in breadth, to make it equal to the utmost Point of Ratolph-Wharf, and that from thenceforth the general Wharf of forty foot to be left next the Thames, be reduced accordingly.

For further certainty wherein, the said Commissioners did with the approbation of the late Lord Mayor of the City of London, employ several Artificers and Surveyors to stake out the Lines for building at the aforesaid distance of forty Foot from the River, for direction of all persons in laying their Foundations, and carrying on their work of Building; and did likewise prescribe the Order and Form for Cranes. In exact conformity whereunto, the Defendant hath proceeded to the erection of one double Crane, and divers large Ware-houses on *Lion-Key* aforesaid, which cost him upwards of Two thousand Pounds, and in the same manner likewise, and in obedience to the same Authority, have all other Owners of Wharfs between London-Bridge, and Billings-gate already carried forth their Wharfs, viz. *Fresh-Wharf*, *Gaunt's Key*, and *Summers-Key*, and are now building their Ware-houses at the aforesaid distance, and according to the Lines staked out by appointment of his Majesty's Commissioners aforesaid.

Another Argument which the Prosecutors make use of to effect the



own ends ; is, *ab incommodo*, they say it is very inconvenient to the  
that the Stairs at *Lion-Key* should be taken away; though in truth  
inconvenience be only to twelve or fourteen of themselves,  
Shops are near, or do adjoyn to the entrance thereof.

This Argument, if there were any thing in it of truth,  
nothing in Law or Equity, to divest the Defendant of his propriety  
it is so far from truth in respect to the City in general; that there is  
ality, nothing in it but noise and clamour : For about fifteen Pa  
low the said *Lion-Key*, viz. at Little *Summers-Key* are a free p  
Stairs, which are the *Cities* own Stairs, and two pair more just  
them at *Billings-gate*, besides which, the Lay-Stall at *Billings-gate*  
ing now removed, there is a most convenient place for erectin  
decent useful pair of Stairs above twice as large as those formerly at  
Key; But then indeed, part of the Retail Trade of the Water-me  
by reason of the said new erected Stairs, remove eight or ten Shops  
East-ward in *Thames-street*; the fear whereof, is in truth the only  
of all this bustle, whatever else is pretended.

From all which, it evidently appears, that by  
alteration the City of London will receive no Diminution  
of Trade or Conveniencies: For that little Retail  
Trade which may be lost in one part, will be fully  
gained in another part of the same Street; Besides  
greater advantage which will and doth already  
crew to Merchants, in the Loading and Landing  
Goods, by reason of that rational, useful, uniform  
and comely Order, in which all the Keys and Wharves  
of London, are now most prudently established, by  
Majesties Commissioners aforesaid.

*An Abstract of the Title of LION - KEY,  
and the Ground and Premises there.*

**T**He Premises were formerly in the time of King *Henry* the Eighth, King *Edward* the Sixth, and Queen *Mary*, belonging to Sir *Thomas Myles*, and after his Decease descended on six Daughters & Coheirs.

1. Dame *Katharine*, first VVife of Sir *Thomas Finch*, and afterwards of *Nicholas St. Leger*.

2. *Thomas Kemp*.

3. *William Bury*.

4. *John Bury*.

5. *Johanna Lowen*.

6. *Thomas Reynolds*.

} Husbands of the other five of the  
said Daughters.

*Jan. 28. 5 Eliz.* *William Bury*, and *John Bury*, and *Johanna Lowen*, and their Wives, by Deed indented and inrolled in the *Hustings in London*, bargain and sell their parts of the Premises to *Edmond Wiseman* and his Heirs.

*Feb. 15. 26 Eliz.* *Nicholas St. Leger* and Dame *Katharine* his Wife, and *Thomas Kemp* and his Wife, by Deed indented sell their parts of the said Premises to *Edmond Wiseman* and his Heirs, and a Fine thereupon Levied, *Edmond Wiseman Querent*, and *Nicholas St. Leger* and *Katharine* his Wife *Deforseants*.

*Feb. 13. 36 Eliz.* *Thomas Reynolds* and his Wife by Deed indented and inrolled in *Chancery*, bargain and sell his part of the said Premises to *Edmond Wiseman* and his Heirs, another Deed of Covenants of the same date.

*June 3. 1603.* *Edmond Wiseman* by *Will* in writing, devises all the Premises unto his Son Sir *Charles Wiseman*, and his Heirs.

*April 13. 1647.* *Edmond Wiseman*, Son and Heir of the said Sir *Charles Wiseman*, by Deed indented and inrolled in *Chancery*, bargains and sells the said Premises unto *Ambrose Brumskel* and his Heirs.

*Apr. 15. 23 Car. 1* *Edmond Wiseman* and *Dulcibella* his VVife, by Indenture do Covenant to levy a Fine of the Premises to the use of the said *Ambrose Brumskell* and his Heirs, and in *Trinity Term* following the said Fine was levied accordingly.

*Nov. 9. 18 Car. 2.* *Ambrose Brumskell* by Indenture of Bargain and Sale inrolled in *Chancery*, and other sufficient Assurances, conveys the Premises to *Josiah Child*, and his Heirs.

